

AMENDED IN ASSEMBLY JULY 27, 1998  
AMENDED IN ASSEMBLY JULY 1, 1998  
AMENDED IN ASSEMBLY JUNE 22, 1998  
AMENDED IN ASSEMBLY JUNE 17, 1998  
AMENDED IN SENATE MAY 5, 1998  
AMENDED IN SENATE APRIL 14, 1998  
AMENDED IN SENATE MARCH 24, 1998

**SENATE BILL**

**No. 1989**

**Introduced by Senator Polanco**

February 19, 1998

---

---

An act to ~~repeal and add Section 2079.10 of~~ *add Section 2079.10a* to the Civil Code, relating to real property disclosure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1989, as amended, Polanco. Real property disclosure: registered sex offenders.

~~Existing law provides that if an informational booklet concerning the statewide home energy rating program is delivered to a transferee in connection with the transfer of real property, the seller or broker is not required to provide additional information concerning home energy ratings, and the information in the booklet shall be deemed to be adequate to inform the transferee about the existence of a statewide home energy rating program~~ *requires the seller or lessor of*

*residential real property, or the agents thereof, to make certain disclosures about the property.*

This bill would ~~repeal these provisions and~~ require written leases and rental agreements for residential real property and contracts for sale of residential real property entered into on or after July 1, 1999, to contain a specified notice regarding the data base maintained *by law enforcement authorities, as specified*, with the locations of registered sex offenders. This bill would provide that, upon delivery of the notice, the lessor, seller, or broker is not required to provide additional information regarding the proximity of registered sex offenders, and that a registered sex offender may not bring any cause of action against the disclosing party.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 2079.10 of the Civil Code is~~  
2 ~~repealed.~~

3 ~~SEC. 2.~~

4 *SECTION 1.* ~~Section 2079.10~~ 2079.10a is added to the  
5 Civil Code, to read:

6 ~~2079.10.~~

7 2079.10a. (a) Every lease or rental agreement for  
8 residential real property and every contract for sale of  
9 real property, including a real property sales contract as  
10 defined in Section 2985, for residential real property  
11 comprising one to four dwelling units, shall contain, in not  
12 less than eight-point type, the following notice:

13

14 Notice: The California Department of Justice, sheriff's  
15 ~~offices~~ departments, police departments serving  
16 jurisdictions of 200,000 or more and many other local law  
17 enforcement authorities maintain *for public access* a data  
18 base of the locations of ~~registered sex offenders~~ persons  
19 *required to register pursuant to paragraph (1) of*  
20 *subdivision (a) of Section 290.4 of the Penal Code* ~~and will~~  
21 ~~respond to consumer inquiries.~~ The data base is updated  
22 ~~frequently on a quarterly basis and is the best~~ a source of

1 information about the presence of these individuals in  
2 any neighborhood. The Department of Justice also  
3 maintains a Sex Offender Identification Line through  
4 which inquiries about individuals may be made. *This is a*  
5 *“900” telephone service. Callers must have specific*  
6 *information about individuals they are checking.*  
7 *Information regarding neighborhoods is not available*  
8 *through the “900” telephone service.*

9 (b) Subject to subdivision (c), upon delivery of the  
10 notice to the lessee or transferee of the real property, the  
11 lessor, seller, or broker is not required to provide  
12 information in addition to that contained in the notice  
13 regarding the proximity of registered sex offenders. The  
14 information in the notice shall be deemed to be adequate  
15 to inform the lessee or transferee about the existence of  
16 a statewide data base of the locations of registered sex  
17 offenders and information from the data base regarding  
18 those locations. The information in the notice shall not  
19 give rise to any cause of action against the disclosing party  
20 by a registered sex offender.

21 (c) Notwithstanding subdivisions (a) and (b), nothing  
22 in this section shall alter any existing duty of the lessor,  
23 seller, or broker under any other statute or decisional law  
24 including, but not limited to, the duties of a lessor, seller,  
25 or broker under this article, or the duties a seller or broker  
26 under Article 1.5 (commencing with Section 1102) or  
27 Chapter 2 of Title 4 of Part 4 of Division 2.

28 (d) Subdivision (a) of this section shall apply only to  
29 written agreements and contracts that are entered into  
30 by the parties on or after July 1, 1999.